

AMENDMENT under 37 C.F.R. § 1.114
U.S. Appl. No. 09/750,386

REMARKS

By this amendment, Applicant cancels claim 24 and thus claims 1-23 and 25-27 are all the claims pending in the present application and all claims stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

WITHDRAWAL FROM APPEAL

Applicant files this request for continuation and amendment to reopen prosecution of this application on the merits in accordance with 37 C.F.R. § 1.114. By virtue of the withdrawal of rejections noted in the Advisory Action of November 29, 2005, Applicant believes the remaining issues may be resolved with the presentation of this instant amendment.

OBJECTIONS

Drawings

As previously stated in the record, Applicant will attend to the outstanding drawing objection, namely updating the shape of filter element 57, at a time when allowable subject matter has been indicated.

CLAIM REJECTIONS

35 U.S.C. §§ 102 and 103

All of Applicant's claims are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,392,042 to Pellon or in the alternative under 35 U.S.C. § 103(a) as being unpatentable over Pellon in view of various secondary references. Applicant respectfully traverses these rejections for the following reasons.

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Pellon does not teach or suggest a portable communication device as claimed by Applicant. Pellon discloses a sigma-delta analog-to-digital converter (ADC) for use by a radar system (Abstract; col. 10, ll. 21-22 and Fig. 10).

While initially overlooked by Applicant, Pellon discloses a direct digital conversion of an IF signal. Upon closer review, Applicant has realized that Pellon does not teach or suggest decoding communication bits in a received signal because it is the characteristics of IF signal itself (i.e., the radar signal) that Pellon is interested in directly converting to digital form. (Col. 20, ll. 21-62). Accordingly, the circuits and techniques disclosed by Pellon are for advanced radar systems, as opposed to digital communication systems.

By way of contrast, in a communication system, information is intentionally encoded into RF or IF signals for delivery to, and recovery by, a receiving communication device. To Applicant's knowledge, it is impossible to recover this encoded information from a digital signal representing the IF signal itself. In other words, because there is never any down conversion of the IF signal into a baseband signal the invention disclosed by Pellon appears to be entirely irrelevant to communication systems such as those claimed by Applicant or the secondary references relating to person-to-person communication systems cited in combination with Pellon.

By this amendment, Applicant adds various limitations to clarify these subtle yet immense differences in the pending claims. No new matter is believed to be included in the foregoing claim amendments and support for the various amendments may be found on page 2, ll. 9-13; pg. 8, ll. 4-8 as well as Figures 2 and 3.

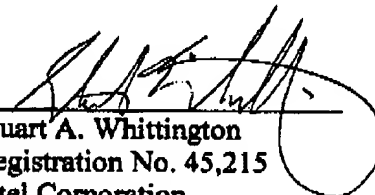
For at least the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of all 102 and 103 rejections based on Pellon.

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CONCLUSION.

In view of the above, reconsideration and allowance of this application is now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee or deficiency thereof, except for the Issue Fee, is to be charged to Deposit Account # 50-0221.

Respectfully submitted,


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